



March 20, 2019

Mayor Latoya Cantrell
1300 Perdido Street, Second Floor
New Orleans, LA 70112

Dear Mayor Cantrell and City Councilmembers:

Thank you for your careful and deliberate consideration of short-term rentals in New Orleans. I am writing to you in response to the February 15 memorandum from the Department of Safety and Permits regarding Resolution No. R-19-7. While we are encouraged by some of the recommendations in this report, we have concerns with some of its conclusions and some of the characterizations of Airbnb's work with the City of New Orleans. I write today in hopes of expressing our continued commitment to working with the City to strike the right balance with short-term rental regulations and enforcement, while allowing our host community to receive the economic benefits of STRs, and to explain our history of partnership with the City.

In 2016, the New Orleans City Council passed a short-term rental law that brought many longtime vacation rental owners into compliance, included measures to protect neighborhoods and housing stock, and allowed hosts and the city to receive the economic benefits of short-term rentals. The law also included industry-leading enforcement tools, including an administrative subpoena process through which the City obtains information from STR platforms to take action against bad actors, and a pass-through registration system that made it easy for hosts to apply for their permits and provided city staff the information they need to address other violations directly with hosts.

The February 15 memorandum concludes that Airbnb and other short-term rental companies had engaged in "deliberate data obfuscation, refusal to provide the required data, and a total failure of cooperation with any enforcement mechanisms pursued by the City against platform users who violate the law."

The memo does not reflect an accurate assessment of our close work and partnership with the City of New Orleans. Following the passage of the law, Airbnb worked closely with the City of New Orleans staff to support the City's implementation of the law and dedicated numerous staff resources and funding and to execute the following:

- **Airbnb worked with the City to develop and implement a pass-through registration system.** Airbnb created a pass-through registration (PTR) system, launched on March 31, 2017¹, giving hosts the ability to complete a form on Airbnb that included name, email address, phone number, tax assessment address, permit type, STR address, and number of rooms for rent and gave permission for Airbnb to share this information with the City of New Orleans. Airbnb then provided this information to the City of New Orleans via an API

¹ Refer to Appendix: Image 1. Screenshot of pass through registration flow, launched March 31, 2017.



for registration purposes, accessible by NOLA city staff at their convenience. The City followed up with hosts to obtain additional information as needed.

- In addition, Airbnb also deactivated 2,968 listings for which hosts had not applied for a license through Airbnb or did not provide a permit number obtained through registering directly with the city by May 31, 2017.
 - As stated in the February 15 city memo, Airbnb's efforts contributed to New Orleans having the highest compliance rated in the United states, "...leading to more than 60% of short-term rentals in New Orleans have valid licenses (most cities had less than 25%)."
- **Airbnb made city-requested improvements to the pass-through registration system and the administrative subpoena process.** During the first year, we received feedback from the City and rolled out new improvements and a renewal system. Airbnb launched new city-requested PTR fields on April 2, 2018, (total number of bedrooms in a home, contact information for a 24/7 contact, and type of STR dwelling) based on City staff feedback². As is the case with any new system, issues arose that we worked diligently with the City to solve, in order to respond to subpoena requests from the city in a timely manner. In spring 2018, the Director of Safety and Permits, Jared Munster, told [the Advocate](#) that the City and Airbnb were in constant communication to fix the administrative subpoena process.
 - **We were disappointed that, after a two year partnership, lawmakers abruptly changed the rules in May 2018.** These unilateral changes were incompatible with one of the enforcement tools, the pass through registration system previously available through Airbnb, and the product was deprecated. The memo states that Airbnb did not notify hosts of the product change; however, Airbnb sent an email to all hosts on June 8, 2018 notifying hosts that PTR was ending and gave direction on how to apply or renew their permits directly with the City of New Orleans³.
 - **Airbnb continues to provide monthly data reports and to respond to administrative subpoena requests, allowing the City to pursue enforcement as needed.** The 2016 law created a data-sharing agreement, under which Airbnb provides to the city monthly reports with anonymous, aggregated data about short-term rental activity. Airbnb continues to comply with administrative subpoena requests in New Orleans, and has provided basic subscriber information for hundreds of hosts, allowing the City to pursue enforcement as needed. In addition to these enforcement tools, because pass through registration was live from March 31, 2017 through June 8, 2018, the Department of Safety and Permits had addresses and contact information for all permit applicants who used the PTR system, thus making it possible for the Department to easily contact the STR operators for permit renewals and complaints.

² Refer to Appendix: Image 2. Screenshot of updated PTR renewal form, launched April 2, 2018.

³ Refer to Appendix: Image 3. Screenshot showing email Airbnb sent out on June 8, 2018 notifying hosts that PTR was ending and giving direction on how to apply or renew directly with the City of New Orleans.



- **Airbnb has provided necessary information to the City to ensure Airbnb's tax payments are accurate.** Since the start date of the voluntary collection agreement (January 1, 2017), Airbnb has collected and remitted Hotel-Motel Sales and Hotel Occupancy Privilege taxes and a fee going to the Neighborhood Housing Improvement Fund (NHIF)⁴. In 2018, Airbnb was audited by the City. Our audit report provided all the necessary data to ensure Airbnb's tax payments were accurate: all accommodation details such as number of nights, accommodation charges, additional charges (e.g., cleaning fees), and the amount of tax collected. The audit did not include the host's name or address because they are not required for determining whether Airbnb has collected the right amount of tax. Using this information from the audit, the Department of Revenue had sufficient data to determine the accuracy of Airbnb's tax collection and remittances.
- **Airbnb partnered with the City of New Orleans to ensure hosts were educated on the registration process.** We worked with the City to update the [New Orleans Responsible Hosting Page](#), held numerous host registration workshops, and implemented an extensive communications campaign to ensure our hosts had the tools to comply.

Additionally, the February 15 memorandum included a table of data elements requested by the city. We found errors in this table and have provided a table clarifying information provided to the city through pass-through registration and the administrative subpoena process in the appendix⁵.

Cities have come up with effective solutions around short-term rentals, in collaboration with platforms. We have worked with cities throughout the country to develop and implement short-term rental regulations, enforcement tools and to help educate hosts about the relevant local laws and registration processes.

Airbnb appreciates the hard work the City Council is undertaking in evaluating a new regulatory approach for short-term rentals. Understandably, there is no one-size-fits-all solution and every city strives to create STR regulations based on the needs and composition of its neighborhoods and tourism industry. As we have demonstrated over the past two years, Airbnb remains committed to working with New Orleans city leaders to find fair solutions and facilitate responsible hosting and city enforcement.

All the best,

Laura Spanjian
Senior Public Policy Director
Airbnb


⁴ Refer to Appendix: Image 1. Screenshot of current New Orleans listing booking page that shows which taxes and fees are collected and remitted to the City of New Orleans.

⁵ Refer to Appendix: Image 5. Airbnb response to information depicted in City memo.



APPENDIX

Image 1: Screenshot of pass through registration flow, launched March 31, 2017.

 Step 3: Get ready for guests

Review your application

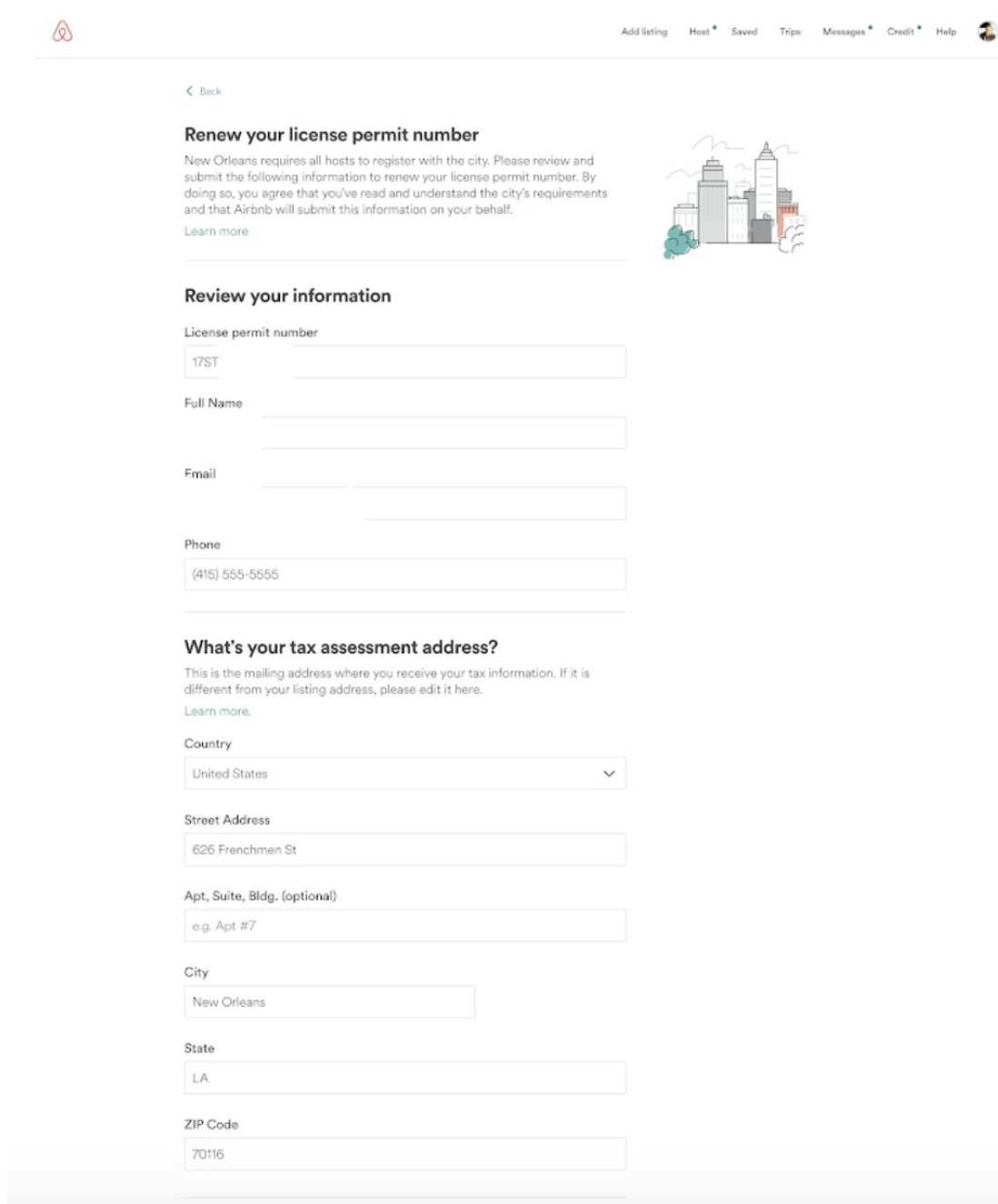
By clicking "Submit", you agree that you've read and understand the city's requirements, and that Airbnb will submit the following information on your behalf. [Review the city's requirements.](#)

Name, Email, & Phone	test_account testing@airbnb.com +1 (415) 555-1212
Tax assessment address	2621 Mexico Street New Orleans, LA 70122
Permit type	Spare bedroom Accessory Permit - \$200
Listing Address	2621 Mexico Street, New Orleans, LA 70122, United States Edit
Number of rooms	1 Edit

[← Back](#)[Submit](#)

[Show Translate](#)

Image 2: Screenshot of updated pass-through registration renewal form, launched April 2, 2018.



The screenshot shows the Airbnb registration renewal form for New Orleans. The form is titled "Renew your license permit number" and includes a sub-header "Review your information". The form fields are as follows:

- License permit number:** 17ST
- Full Name:**
- Email:**
- Phone:** (415) 555-5555
- What's your tax assessment address?**
 - Country:** United States
 - Street Address:** 626 Frenchmen St
 - Apt, Suite, Bldg. (optional):** e.g. Apt #7
 - City:** New Orleans
 - State:** LA
 - ZIP Code:** 70116



(Image 2 continued from previous page) Screen shot of pass-through registration renewal form, launched April 2, 2018.

What type of permit are you applying for?

Your permit type depends on your type of rental space, if you are occupying the space, and the amount of time you plan to rent the space.

[Learn more.](#)

☐ Spare bedroom or separate unit (host is present)

Accessory Permit - \$200

☒ Entire home (host is not present)

Temporary Permit - \$50 or \$150 (depending on residency)

☐ Any listing in a commercial district

Commercial Permit - \$500

Details about your listing

How many total bedrooms are in your place?

4

Is anyone else helping you host this space?

If so, add the contact info for your co-host or managing agent (optional).

☐ Yes

☒ No

Save & exit

Next



Image 3: Screenshot of email Airbnb sent out on June 8, 2018 notifying hosts that PTR was ending and giving direction on how to apply/renew directly with the City of New Orleans.



Updates to our home sharing policies in New Orleans

Starting on June 8, 2018, hosts will not be able to apply for or renew a New Orleans short-term rental license permit number through the Airbnb website or mobile app. Hosts may continue to apply for a new permit or renew a permit directly with the City of New Orleans.

If you used Airbnb's system to apply for a New Orleans short-term rental license or renewal before June 8, 2018 and are unsure about the status of your application, the City may contact you directly to let you know whether your registration has been approved or denied. You can also contact the [Short Term Rental Administration](#) or other city agencies with questions regarding your application.

If you previously obtained a license using Airbnb's website or mobile app, your license number is listed below for your records. You may enter a license number as part of your public listing description.

Listing: Super Sweet Bourbon Street Crash Pad

License Permit Number: STR-00012345

Expiration Date: March 21, 2019

Please note that, due to recent changes in the City's law, the City may not issue or renew permits in some neighborhoods. These changes are incompatible with the registration system previously available through Airbnb. For additional questions regarding laws and regulations in New Orleans visit our [Help Center](#) or contact the [Short Term Rental Administration](#).

Thank you,
Airbnb

Sent with ♥ from Airbnb

Airbnb, Inc., 888 Brannan St, San Francisco, CA 94103



Image 4: Screenshot of current New Orleans listing booking page that shows which taxes and fees are collected and remitted to the City of New Orleans.

\$50 per night
★★★★★ 31

Dates
04/17/2019 → 04/19/2019

Guests
1 guest ▼

\$50 x 2 nights	\$100
Cleaning fee ⓘ	\$7
Service fee ⓘ	\$14
Occupancy taxes and fees ⓘ	\$12
	\$133

Hotel Daily Fee (New Orleans) ×

Additional Fee (New Orleans)

Accommodations Tax (New Orleans)

General Sales and Use Tax (Louisiana)

[Learn more](#)



Image 5: Airbnb response to information depicted in City memo.

Note: Airbnb clarifications in red.

Data Elements Requested by City	Provided via Airbnb pass-through	Provided in Airbnb Subpoena Response
Address - House Num, Street Name, Apt/Ste/Unit (MCS 27204, Line 81. 144)	Yes	No
Type of Rental being applied (Accessory, Temporary, Commercial) (MCS 27204, Lines 12-14, 83, & 146)	Yes	Yes
Number of bedrooms total (MCS 27204. Lines 83-84)	No YES - Airbnb provided this as part of PTR update starting April 2018	No
Number of bedrooms being rented (MCS 27204. Lines 83-84)	No YES - Airbnb provided this as part of PTR	No
Applicant Information (MCS 27204. Line 82. 142-143) <ul style="list-style-type: none"> • Address • Phone • Email 	Yes	Yes
Applicant Identity (Owner OR Tenant) (MCS 27209 Line 337-338)	No YES - Airbnb provided this as part of PTR	No



24/7 Operator/Property Manager (MCS 27204. Lines 61-63 & 85-87) <ul style="list-style-type: none">• Address• Phone• Email	No YES - Airbnb provided this as part of PTR update starting April 2018	No
Agent for Service (MCS 27204. Lines 20-29 & 71-72) <ul style="list-style-type: none">• Address• Phone• Email	No N/A for platforms, The only mention of this Agent for Service comes in Sec. 26-613, which does not apply to platforms. However, Airbnb added a city-requested field for a 24/7 contact as part of the PTR renewal process that launched in April 2018.	No